

W. R. MURFIN, d.b.a.
MURFIN DRILLING COMPANY

IBLA 73-314

Decided September 24, 1973

Appeal from a decision of the Montana State Office, Bureau of Land Management, denying approval of assignment of oil and gas leases M 17558 (Acq.), and M 17559.

Affirmed.

Oil and Gas Leases: Assignments or Transfers! ! Oil and Gas Leases:
Termination

Assignments of oil and gas leases will not be approved where the leases in question have terminated by operation of law for failure to pay rental as required by section 31, Mineral Leasing Act of 1920, as amended, 30 U.S.C. § 188 (1970).

Oil and Gas Leases: Reinstatement! ! Oil and Gas Leases:
Termination

Oil and gas leases terminated by operation of law for failure to pay the annual rentals on or before the due day may not be reinstated where no tender of payment has been made until 44 days after the due date.

APPEARANCES: W. R. Murfin, pro se.

OPINION BY MR. STUEBING

W. R. Murfin has appealed from the March 13, 1973, decision of the Montana State Office, Bureau of Land Management, denying approval of assignment of oil and gas leases M-17558 (Acq.), and M-17559 on the grounds that both leases had terminated because of a failure to make the required rental payments.

The assignments of the leases were obtained by the appellant from Reena Lillian Redfern in early January 1973. The request for approval of assignments was received by the Bureau of Land Management office on January 11, 1973. The annual rentals were due on or before February 1, 1973. Apparently, both the assignor and the assignee assumed that the other would make the rental payments, hence, no rental payment was made and the leases terminated by operation of law, 43 CFR 3108.2-1. Since the leases had terminated, the BLM could not approve the requested assignment. When the appellant received notice on March 13, 1973, that his request for approval of assignment had been denied, he simultaneously tendered the rental payment and appealed to this Board, arguing in effect, that the lease should be reinstated and the assignment approved.

This Board has no authority to reinstate any lease which has terminated by operation of law for failure to make the required rental payments unless, inter alia, the tender of payment has been made within 20 days of the due date, 30 U.S.C. § 188(c) (1970); 43 CFR 3108.2-1(c); Louis J. Patla, 10 IBLA 127 (1973); Charles E. Reynolds, 9 IBLA 300 (1973); Louis Samuel, 8 IBLA 268 (1972).

Since no payment was tendered in this case until March 16, 1973, 44 days after the due date, the leases may not be reinstated and the assignments cannot be approved.

Therefore, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior, 43 CFR 4.1, the decision appealed from is affirmed.

Edward W. Stuebing
Member

We concur:

Douglas E. Henriques
Member

Joan B. Thompson
Member

